IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.311 OF 1981

1. Padamshi Samji Shah & Ors. ....Plaintiffs.

Vs.

1. Shamji Devshi & Ors. ....Defendants.

Mr.D. Chamboowala for the Plaintiffs.

Mr. S.T.Manek for the Defendants.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. Plaintiff No.3 and the defendants are present alongwith their Counsel. They have filed consent terms, dated 7th December, 2004. The consent terms are taken on record and marked 'X' for identification.

2. In view of the consent terms, the Chamber Summons No. 1810 of 2003 is withdrawn and thus dismissed as withdrawn.

3. The Chamber Summons No. 1574 is made absolute, by consent. Consequently, the Plaintiff Nos. 4 to 7 are deleted and the respondent is added as Plaintiff No.4. The amendment to be carried out forthwith.

4. The notice of motion Number 3641 of 2004, by consent, is allowed and the Order of dismissal of the Suit as against the defendant Nos. 5 to 7, passed on 23.9.2003 is set aside and the suit is restored as against the Defendant Nos. 5 to 7.

5. The Suit is decreed in terms of the consent terms.

6. No Orders as to costs.

7. Court fee be refunded as per Rule.

8. Certified Copy expedited.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

M.J. SUIT NO. 74 OF 1998

Mrs. Morgarita D'Souza ... Petitioner.

Vs.

John Maxim D'Souza ... Respondent.

And.

Ms. Shila Alias Shailaji Menon ... Co-Respondent.

Mr. R.D'Mello for the Plaintiff.

Mr. Clive D'Souza for the defendant/Respondent.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. The learned Counsel on both sides are present.

2. The learned Counsel for the Plaintiff has lodged a decree nisi for making the decree nisi absolute. The learned Counsel for the defendant has no objection for the same.

3. Decree Nisi is made absolute.

4. Certified copy expedited.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2109 OF 1983

Shamim Sultan Shroff ... Plaintiff.

Vs.

M/s. Sunder Construction & Ors. .. Defendants.

None for the Plaintiff.

Mr. for the defendants.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. The learned Counsel for the defendant filed affidavit of evidence. Taken on record. He seeks time for filing affidavit of documents. Time granted.

2. S.O. to 14th January, 2005.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1128 OF 2004

IN

SUMM.SUIT NO. 519 OF 1978

Gujarat Saving Unit Pvt.Ltd. ... Plaintiffs.

Vs.

Doburg Lager Breweries(P)Ltd.& Ors. Defendants.

And.

SKOL Breweries Ltd. ... Respondent.

Mr. Pankaj Kaweli i/b. Shantilal & Co. for the Plaintiffs.

Mr. A.S.Doctor i/b. Kanga & Co. for the defendant No.7.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. This chamber summons is taken out by the Plaintiffs - Company for adding SKOL Breweries Ltd., the Respondent as Defendant No.8 in the suit. This SKOL Breweries Ltd. company has taken over the defendant NO. 1- Company from defendant No.7.

2. The Respondents are served. Affidavit of service is filed. No one appears for the Respondents.

3. The delay, if any, in taking out this Chamber Summons is condoned.

4. The Chamber Summons is made absolute in terms of prayer clause (a), (b) and (c).

5. Necessary amendment to be carried out within two weeks.

6. No Order as to costs.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2201 OF 1982

Ramshankar Saheb Dayal Mishra & Anr. ... Plaintiffs.

Vs.

Bernard Peter Pareira & ors. ... Defendants.

None for the Plaintiffs.

Mrs. Usha Narsimhan i/b.R.C. Dalal & Co. for the Defendants.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. None for the Plaintiffs.

2. The suit be kept for dismissal on 14th January, 2005, to be shown under the caption "for dismissal" on the board.

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1636 OF 1979

The Godavari Sugar Mills Ltd. ... Plaintiffs.

Vs.

The Kopargaon Sahakari Sakhar Karkhana Ltd. ... Defendants.

Mr. H.J.Thakkar i/b. Mulla & Mulla for the Plaintiffs.

Mr. Dinkar Rao for the Defendants.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. The matter is wrongly shown for recording of evidence. The evidence in this Suit is complete. The suit should be shown under the caption "for arguments".

2. S.O. to 14th January, 2005.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2034 OF 1982

M/s. Modi Rubber Ltd. ... Plaintiffs.

Vs.

M/s. Far Eastern Shipping

Company & Ors. ... Defendants.

Plaintiffs and their Counsel absent.

Mr. Gandhi; i/b. Mulla and Mulla for defendant No.3.

Mr. Bootwala for defendant Nos. 1 and 2.

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. None for the Plaintiffs.

2. The learned Counsel for the Defendant No. 3 has filed Written Statement. Taken on record.

3. S.O. to 21st January, 2005 for framing issues.

.....

[S.K.Shah,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2107 OF 1983

Yasmin Hassanali Shroff ... Plaintiff.

Vs.

M/s. Sunder Construction

Company & ors. ... Defendants.

Mr. P. Gautam i/b. Bilawala & Co. for the Plaintiff.

Mr. Jyoti Bhavsar for defendant No.1& 7

Coram : S.K.Shah, J.

Date : December 17, 2004.

P.C.

1. Learned Counsel for the defendant seeks time for filing affidavit of documents. Time granted.

2. S.O. to 14th January, 2005.

.....

[S.K.Shah,J.]

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO. 289 of 2004.

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. The learned Counsel for the Custodian has produced the Verification Report. Taken on record and marked 'X' for identification. The Report indicates that Madras Stock Exchange has given details as to how the transaction took place through it. The Report further indicates that the applicant proves that he is a bona fide purchaser of 100 shares of ITC Ltd. for value. The Report also shows that these 100 shares were sold by the Custodian under the Orders of this Court at a price of Rs. 741.98 Ps. per share. The learned

Counsel for the Custodian, therefore, submits that these shares could not be given to the applicant, however, the applicant can be given the cash compensation.

2. Under the circumstances, the application is allowed.

. The applicant is declared the owner of 100 shares of ITC Limited, as described in the application. The Custodian shall release to the applicant, the cash compensation in respect of these shares alongwith all accruals, including dividends, if any.

. The application is disposed of accordingly.

.....

[S.K.Shah, J.]
Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.341 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Heard.

2. The prayer made in the application is for release of the fees at such rate, as this Court may deem fit. However, there are no details as to whether the applicant wish to engage advocate and, if yes, who is the advocate proposed by the applicant and what are his fees. It is a matter of fact that Chamber Summons is filed in Suit No. 7 of 2002, where the applicant is proposed to be joined as party. The applicant, who is

present in person submits that he would like to engage advocate to oppose the said Chamber Summons and, therefore, he wish to engage advocate.

3. The application is disposed of with a direction to the applicant to make an application for release of fees to the Custodian, giving details as to the name of the advocate, the matters in which the advocate is to be engaged and the fees to be paid to the advocate etc. and the Custodian will consider the same in the light of the earlier Orders passed by this Court, subject to availability of requisite funds on account of the applicant.

.....

[S.K.Shah, J.]
Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.350 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified parties, Respondent Nos. 3 & 6 shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.351 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified parties, Respondent Nos. 3 & 6 shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.352 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified party, Respondent No. 5 shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.354 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified parties, Respondent Nos. 5(a) and 5(b) shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.355 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Delhi for verification and submitting report.

2. The notified parties, Respondent Nos. 5(a) and 5(b) shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for eight weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.358 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified parties, Respondent Nos. 5(a) and 5(b) shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.360 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

2. The notified parties, Respondent Nos. 4 & 5 shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.361 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Mumbai for verification and submitting report.

3. S.O. for six weeks.

.....

[S.K.Shah, J.]
Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.362 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Delhi for verification and submitting report.

2. The notified parties, Respondent Nos. 5(a) and 5(b) shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for eight weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

MISC.APPLICATION NO.363 OF 2004

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. Refer the matter to the Custodian, OSD Delhi for verification and submitting report.

2. The notified parties, Respondent Nos. 5 & 8 shall file affidavit with regard to receipt of consideration, with a copy thereof to the Custodian.

3. S.O. for eight weeks.

.....

[S.K.Shah, J.]

Judge,
Special Court.

BEFORE THE SPECIAL COURT CONSTITUTED UNDER THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992.

EXECUTION PETITION NO. 82 OF 2000

...Aappellant

Vs.

...Respondent.

Mr. for the CBI/Prosecution.

Mr. for the Accused.

CORAM : S.K.Shah, J.
Judge,
Special Court.
DATE : October 6, 2004.

P.C.:-

1. The learned Counsel for the Respondent Nos. 1 and 4 submits that he would deposit Rs. 35 lacs before one week and also keep the Respondent NO.4 present in Court on the next date.

2. S.O. to 12th October, 2004.

.....

[S.K.Shah, J.]
Judge,
Special Court.